

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THAD THOMPSON, #A5013250,) CIV. NO. 17 00531 SOM KJM
)
 Plaintiff,) DISMISSAL ORDER
)
 vs.)
)
 CAPT. PALEKA, et al.,)
)
 Defendants.)
)

DISMISSAL ORDER

On November 13, 2017, the court determined that Plaintiff had accrued "three strikes" pursuant to 28 U.S.C. § 1915(g),¹ had failed to make a plausible showing that he was in imminent danger of serious physical injury when he commenced this action, and could not proceed in forma pauperis in this action. See Order, ECF No. 4; see also *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007).

Plaintiff was informed that he could: (1) file an

¹ See *Thompson v. Dep't of Public Safety*, No. 1:17-cv-00250 DKW-KJM (D. Haw. Aug. 2, 2017) (dismissed for failure to state a claim); *Thompson v. Dep't of Public Safety*, No. 1:17-cv-00235 LEK-KSC (D. Haw. Aug. 1, 2017) (same); *Thompson v. Burns*, No. 2:13-cv-01715-PHX-SPL (D. Ariz. July 14, 2014) (same). See <http://pacer.psc.uscourts.gov>, (last visit Dec. 24, 2017). See also *Thompson v. Hamilton*, No. 1:17-cv-00520 JMS-RLP (D. Haw. Oct. 27, 2017) (notifying Plaintiff of strikes).

amended pleading on or before December 13, 2017, that plausibly alleged that he was in imminent danger of serious physical injury when he commenced the action; or (2) pay the civil filing fee by that date. ECF No. 4.

On December 14, 2017, Plaintiff filed an Amended Complaint. ECF No. 5. The amended pleading failed to show that Plaintiff was in imminent danger of serious physical injury when he commenced the action, or when he filed the Amended Complaint and the court denied Plaintiff's renewed application to proceed in forma pauperis. Plaintiff was directed to submit the civil filing fee on or before January 25, 2018, or the action would be terminated. Order, ECF No. 6.

Although given the opportunity, Plaintiff has not submitted the \$400 civil filing fee and this action is DISMISSED without prejudice. The Clerk of Court is directed to enter judgment and terminate this action.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 6, 2018.



/s/ Susan Oki Mollway
Susan Oki Mollway
United States District Judge

Thompson v. Paleka, No. 1:17-cv-00531 SOM-KJM; 3 strikes '18 Thompson 17-531 som (DSM
3 strks no §)